GENARO LARA, Attorney at Law, SBN145659 12 Broadway, Suite 365 San Diego, CA 92101 Tel: (619) 236 8011, Fax: (619) 236-8078 Attorney for Miguel Mendiola Martinez. Number Common		Case 3:08-cr-01169-WQH	Documen	t 35	Filed 09/02/2008	Page 1 of 4	
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA UNITED STATES OF AMERICA Plaintiff, DEFENDANT'S PROPOSED JURY INSTRUCTIONS Date: September 16, 2008 Time: 9:00 Courtroom 4 Defendant, Defendant, by and through his retained counsel, Genaro Lara, respectfully submits the following Proposed Jury Instruction: Proposed Jury Instruction: Page 1	2 3	121 Broadway, Suite 365 San Diego, CA 92101 Tel: (619) 236 8011, Fax: (619) 236-	8078				
SOUTHERN DISTRICT OF CALIFORNIA UNITED STATES OF AMERICA Plaintiff, DEFENDANT'S PROPOSED JURY INSTRUCTIONS US. Date: September 16, 2008 Time: 9:00 Courtroom 4 Defendant, Def		, 0					
8 UNITED STATES OF AMERICA Criminal Case No. 08-CR-1169-WQH 9 Plaintiff, DEFENDANT'S PROPOSED JURY 10 VS. Date: September 16, 2008 11 Time: 9:00 Courtroom 4 12 Defendant, Defendant, 13 Defendant, by and through his retained counsel, Genaro Lara, respectfully submits the following 15 Proposed Jury Instruction: 18 19 20 21 22 23 24 25 26 27 28 29 20 21 22 23 24 25 26 27 28 29 20 20 21 22 23 24 25 26 27 28 29 20 20 21 21 22 23 24 25 26 27 28 29 20 20 21 21 22 23 24 25 26 27 28 29 20 20 21 21 22 23 24 25 26 27 28 29 20 20 21 21 22 23 24 25 26 27 28 29 20 20 21 21 22 23 24 25 26 27 28 29 20 20 21 21 22 23 24 25 26 27 28 29 20 20 21 21 22 23 24 25 26 27 28 29 20 20 21 21 22 23 24 25 26 27 28 29 20 20 21 21 22 23 24 25 26 27 28 29 20 20 21 21 22 23 24 25 26 27 28 29 20 20 21 21 22 23 24 25 26 27 28 29 20 20 21 21 22 23 24 25 26 27 28 29 20 20 20 21 21 22 23 24 25 26 27 28 29 20 20 21 21 22 23 24 25 26 27 28 29 20 20 21 21 22 23 24 25 26 27 28 29 20 20 21 21 22 23 24 25 26 27 28 29 20 20 20 21 21 22 23 24 25 26 27 28 29 20 20 21 21 22 23 24 25 26 27 28 29 20 20 21 21 22 23 24 25 26 27 28 29 20 20 20 21 21 22 23 24 25 26 27 28 29 20 20 20 21 21 22 23 24 25 26 27 28 29 20 20 20 21 21 22 23 24 25 26 27 28 29 20 20 20 21 21 22 23 24 25 26 27 28 29 20 20 20 21 21 22 23 24 25 26 27 28 29 20 20 20 21 21 22 23 24 25 26 27 28 29 20 20	6	UNITED STATES DISTRICT COURT					
9 Plaintiff, DEFENDANT'S PROPOSED JURY 10 VS. Date: September 16, 2008 11 MIGUEL MENDIOLA-MARTINEZ, Time: 9:00 12 Courtroom 4 13 Defendant, Defendant, Proposed Jury Instruction: 15 16 17 18 19 20 21 22 23 24 25 26 27 Page 1	7	SOUTHERN DISTRICT OF CALIFORNIA					
10 VS.) Date: September 16, 2008 11 MIGUEL MENDIOLA-MARTINEZ,) Time: 9:00 12 Defendant,) Defendant,) Defendant, by and through his retained counsel, Genaro Lara, respectfully submits the following Proposed Jury Instruction: 18 Proposed Jury Instruction: 19 20 21 22 23 24 25 26 27 Page 1	8	UNITED STATES OF AMERICA)	Crim	inal Case No. 08-CR-	1169-WQH	
10 VS. 11 MIGUEL MENDIOLA-MARTINEZ, 1 Time: 9:00 Courtroom 4 12 Defendant, 1 Defendant, 1 Defendant, 2 Defendant, 2 Defendant, 3 Defendant, 4 Proposed Jury Instruction: 18 19 20 21 22 23 24 25 26 27 Page 1	9	Plaintiff,))			ED JURY	
MIGUEL MENDIOLA-MARTINEZ, Courtroom 4 Defendant, Defen	10	VS.))				
Defendant, Defendant, by and through his retained counsel, Genaro Lara, respectfully submits the following Proposed Jury Instruction: Proposed Jury Instruction: Page 1	11	MIGUEL MENDIOLA-MARTINEZ	Z,)) Time: 9:00			
Defendant, by and through his retained counsel, Genaro Lara, respectfully submits the following Proposed Jury Instruction: Proposed Jury Instruction: Proposed Jury Instruction: Proposed Jury Instruction: Page 1	12	Defendant,))				
14 Proposed Jury Instruction: 16 17 18 19 20 21 22 23 24 25 26 27 Page 1	13	Defendant, by and through his retain	ed counsel. (Genaro	Lara, respectfully sub	omits the following	
15	14						
17 18 19 20 21 22 23 24 25 26 27 Page 1	15	1					
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COURT'S INSTRUCTION NO.____ DEFENDANT'S PROPOSED INSTRUCTION NO.____

A defendant who acts in reliance on public authority does not act knowingly and should be found not guilty.

A defendant acts under public authority if:

- (1) that defendant is affirmatively told that his conduct would be lawful;
- (2) that defendant is told this by an official of the United States government; and
- (3) that defendant actually relies on what the official tells him in taking the action; and
- (4) the defendant's reliance on what he was told by the official is reasonable in light of the circumstances.

In considering whether a defendant actually relied on representations by an official that his conduct would be lawful, you should consider all of the circumstances of their discussion, including the identify of the official, the point of law discussed, the nature of what the defendant told, and was told by, the official, and whether that reliance was reasonable.

COURT'S INSTRUCTION NO.___

DEFENDANT'S PROPOSED INSTRUCTION NO.____

One of the issues in this case is whether the defendant acted in good faith. Good faith is a complete defense to the charge of 18 U.S.C. 922(g)(5), an illegal alien in possession of a firearm, if it is inconsistent with knowledge that he is an illegal alien, which is an element of the charges.

If you believe that defendant relied in upon Employment Authorization Card, the issuance of a valid Social Security Card to his name, valid California Driver's License, in his application for adjustment of status through his attorney Kevin Bove, to believe that he had the right to reside in the United States pending the adjudication of his immigration status, then you must conclude that he acted in good faith.

Evidence that defendant acted in good faith may be considered by you, together with all the other evidence, in determining whether or not he acted with knowledge that he was an illegal alien.

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4	CERTIFICATE OF SERVICE
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6	I, Genaro Lara, declare I am over 18 years of age, a citizen of the United States, and not a party
7	to this action. My business address is 121 Broadway, Suite 365, San Diego, CA 92101
8	On September 2, 2008, I filed electronically with the Clerk of the United States District Court
9	for the Southern District of California, the above document., upon Christina McCall, Assistant U.S. District Attorney.
10	U.S. District Attorney.
11	/s/Genaro Lara
12	Attorney for the defendant
13	
14	Dated: September 2, 2008
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